

District Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEA SHEPHERD LEGAL,

Plaintiff,

v.

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION, *et*
al.,

Defendants.

Case No. C19-1485 JLR

JOINT STATUS REPORT AND
~~PROPOSED~~ ORDER

Noted for Consideration:
February 6, 2020



Plaintiff SEA SHEPHERD LEGAL ("SSL") filed the above-captioned lawsuit under the Freedom of Information Act ("FOIA") against Defendants NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ("NOAA") and NATIONAL MARINE FISHERIES SERVICES ("NMFS"), seeking disclosure of certain documents. This request is supplemental to the request at issue in a related case, *Sea Shepherd Legal v. NOAA, et al.*, 19-cv-463-JLR. On October 11, 2019, the Court granted the parties' stipulated motion to stay the dispositive briefing schedule in the related case. *Sea Shepherd Legal v. NOAA, et al.* 19-cv-463-JLR, Dkt. No. 19.

1 Since the Court granted the parties' stipulated motion, Defendants have produced
2 all non-exempt responsive records between December 21, 2018 and March 18, 2019
3 ("Gap Documents"). Defendants are currently processing potentially responsive records
4 to SSL's FOIA request at issue in this case and the FOIA request at issue in the related
5 case for the remaining period prior to October 9, 2019. Defendants intend to provide
6 SSL with another records release by the end of March 2020, and to continue with releases
7 on a rolling basis until complete. Defendants anticipate that all non-exempt responsive
8 records will be produced by the end of May 2020.

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12 SSL has recently brought to Defendants' attention concerns about FOIA
13 exemptions applied to redactions for a portion of the Gap documents. The parties are
14 currently working together to attempt to resolve these concerns without the need for
15 motion practice. The parties believe that this cooperation will, at least, narrow the issues
16 if any need to be presented to the Court. If resolved, the parties believe that responding
17 to the supplemental FOIA request, with the inclusion of the Gap documents, may lead to
18 the resolution of both this case and the related case without the need for additional
19 judicial intervention.

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22 Accordingly, for good cause as described above, the parties respectfully request
23 that the Court allow them to file a status report on or before April 3, 2020. If the FOIA
24 exemption issues are not resolved, the parties will submit a briefing schedule to the Court
25 at that time.
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1 Dated this 6th day of February, 2020.

2 Respectfully submitted,

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6 s/ Catherine E. Pruett
7 CATHERINE E. PRUETT, WSBA # 35140

8 s/ Darius G. Fullmer
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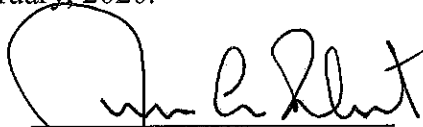
27 *Attorneys for Defendants*
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~~PROPOSED~~ ORDER



Having reviewed the parties' stipulated motion, the Court finds good cause shown for the parties to continue working towards a resolution of this matter. The parties shall submit a joint status report to the Court on or before April 3, 2020.

Dated this th6 day of February, 2020.



JAMES L. ROBART
United States District Judge